

Notice of Allowability	Application No.	Applicant(s)	
	08/650,709	ALBIN ET AL.	
	Examiner	Art Unit	
	Clark F. Dexter	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on January 21, 2004.
2. ☒ The allowed claim(s) is/are 28,29,31 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/12/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Phil McCann on August 17, 2006.

2. The application has been amended as follows:

In the Claims

Claim 28 has been rewritten as follows:

--Claim 28 (Currently amended) A device for processing hydrous polymer gel of variable thickness, comprising:

a first cutting roll having at least one axially extending cross cutting element including a cutting edge; and

a back-up roll spaced from said cutting roll so as to form a nip, whereby said at least one cutting edge cooperates with said back up roll to cut a layer of hydrous polymer gel at the nip;

said first cutting roll being mounted above the rotational longitudinal axis of said back-up roll such that a smallest distance between said cutting edge of the at least one cross cutting element and said back-up roll is situated below and upstream of a crown

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of the back-up roll with respect to a substantially linear conveying path direction of the ~~the~~ [[a]] layer of hydrous polymer gel as it approaches to be cut at the nip, whereby said at least one cutting edge cooperates with said back-up roll to cut the layer of hydrous polymer gel at the nip wherein when said cutting edge is positioned at said smallest distance, said cutting edge is positioned below and upstream of said crown, and wherein said cutting edge of said first cutting roll is a continuous cutting edge to completely separate a downstream portion of the hydrous polymer gel from the remainder of the hydrous polymer gel.--.

Claim 31 has been rewritten as follows:

-- Claim 31 (Amended): A device for processing hydrous polymer gel of variable thickness, comprising:

a first cutting roll having at least one axially extending cross cutting element including a cutting edge;

a back-up roll spaced from said cutting roll so as to form a nip;

said first cutting roll being mounted above the ~~longitudinal~~ rotational axis of said back-up roll such that a smallest distance between said cutting edge of the at least one cross cutting element and said back-up roll is situated below and upstream of a crown of the back-up roll with respect to a substantially linear conveying path direction of a layer of hydrous polymer gel as it approaches to be cut at the nip, wherein when said cutting edge is positioned at said smallest distance, said cutting edge is disposed below and upstream of said crown, and wherein said cutting edge of said first cutting roll is a

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continuous cutting edge to completely separate a downstream portion of the hydrous polymer gel from the remainder of the hydrous polymer gel; and

a conveyor positioned and arranged to convey the ~~[[a]]~~ layer of hydrous polymer gel along said conveying path to the nip as ~~a substantially planar sheet~~, wherein said cutting edge of the at least one cross cutting element ~~edge extends the width of the layer of hydrous polymer gel so that said at least one cutting edge~~ cooperates with said back-up roll to cut the layer of hydrous polymer gel at the nip.--.

Claim 32, line 1, "30" has been changed to --31--.

In the Specification

Page 10, line 19, "circumferential" has been changed to --rotational--.

Page 11, line 12, "12A" has been deleted.

Additional Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly-cited prior art disclose inventions which have features similar to the claimed invention. However, these inventions, each taken alone or in combination with the prior art of record, do not teach or fairly suggest the claimed invention.

Election of Species Withdrawn

4. Due to the allowability of generic claims 28 and 31, the election of species between groups I-III (Figures 1-3) has been **withdrawn**.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
September 5, 2006